

## TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

October 26, 2015

Present: Mr. John Goerlach, Chairman  
Mr. Robert Ericson  
Mr. Henry Sayers  
Mr. Paul Sieloff, Town Administrator

Warrants: Warrant Signed

The meeting was opened by John Goerlach at 6:00 p.m.

### Public Comment

Joe Trybus came before the Board with a plumbing invoice he received for the work done at his property on Orebed Road. Mr. Sieloff took the invoice and stated that he would process it. Mr. Trybus also inquired as to when his lawn would be repaired. Mr. Sieloff stated that work will be done in a week or so once the well has been capped and the remainder of the work completed.

### Permit(s) / Contract(s) / Use of Town Property or Notification to Town of Community Event / Appointment(s)

#### **All Alcoholic Beverage License – Interstate Theatres Corporation d/b/a Berkshire Mall 10**

Attorney Andrew Upton and General Manager Edward Coddington appeared before the Board relative to an All Alcoholic Beverage License application filed on behalf of Interstate Theatres Corporation d/b/a Berkshire Mall 10 located at the Berkshire Mall. Attorney Upton stated that market research shows that there is a public need and that many theaters already have licenses. Attorney Upton stated that Regal Theatres have over 480 theaters and about 85 across the nation currently serve alcohol and have never had a violation. The General Manager has had training and has already worked in a theater that served alcohol. Attorney Upton presented the Board with an overview of the proposal. Attorney Upton stated that the movie theater has made many updates to the premises and that Regal has a stricter alcohol policy than the State requires. He stated that the staff will be trained on the new regulations and bright colored wrist bands will be given out which will show how many beverages have been purchased; there is a limit of three per patron. Mr. Sayers asked about the hours of operation for serving alcohol. Mr. Coddington stated that the theater opens at 10 a.m. and would like the license hours to be from 10 a.m. to 12:00 p.m. Mr. Ericson asked how they plan to prevent beverages being passed off to others. Attorney Upton stated that the patrons have wrist bands which they can only obtain when proper identification is presented and checks are made throughout the movie by the staff. Mr. Upton also stated that alcoholic beverages are served in different containers; no glass containers are served and beverages will be sold at restaurant level prices. Mr. Ericson asked why an all alcohol license is being requested and not just beer and wine. Attorney Upton stated that an all alcohol license is being proposed because they do not want to lose customers who do not like beer or wine and also that promotional drinks may be made for certain events. Mr. Coddington stated that customers have been stating that the Beacon Theater serves all alcohol. Mall Manager, Joe Scelsi stated that the Regal is a very organized, professional and responsible business and that he is comfortable with their request and hopes the Board will consider it. Mr. Goerlach thinks the Board should do what they can to help Regal compete with the Beacon Theater. Attorney Upton stated that he knows that this license is a privilege not a right and they will abide by the Board's rules. Motion 15-157. Motion made by Henry Sayers to approve the All Alcohol License Application of Interstate Theatres Corporation d/b/a Berkshire Mall 10, seconded by Robert Ericson. Motion carried 3-0. [#2]

#### **Library Trustee Appointment - Rachael Eramo**

Rachael Eramo appeared before the Board to be appointed as a Library Trustee. Motion 15-154. Motion made by Robert Ericson to appoint Rachael Eramo as a Library Trustee, with a term to expire on June 30, 2016, seconded by Henry Sayers. Motion carried 3-0.

#### **Conservation Commission Appointment - David Vogel**

David Vogel came before the Board to be appointed to the Conservation Commission. Motion 15-155. Motion made by Robert Ericson to appoint David Vogel to the Conservation Commission, with a term to expire on June 30, 2016, seconded by Henry Sayers. Motion carried 3-0. [#1]

### **Sewer Commission Appointment – David Vogel**

David Vogel came before the Board to be appointed to the Conservation Commission. Motion 15-156. Motion made by Robert Ericson to appoint David Vogel to the Sewer Commission with a term expiring on June 30, 2016, seconded by Henry Sayers. Motion carried 3-0.

### **Finance Committee Goals and Issues**

Al Terranova came before the Board to discuss the goals the Finance Committee has set for this year. Mr. Terranova believes that the Finance Committee should only be involved in a decision made by the Town if there is generally an economic component to it. Mr. Terranova praised the Committee and stated that the members all have excellent backgrounds to be able to perform their duties. Mr. Terranova stated that the Committee has two goals 1) to monitor the reserve fund and 2) to put together the budget to be presented to voters at the Annual Town Meeting. Other areas the Committee will work on are the school budgets. Mr. Terranova stated that the Committee will be meeting with the School Committees and they are excited to see how the new Superintendent prioritizes the schools budget needs and they will also be meeting with the new Police Chief. Mr. Terranova stated that the Committee is becoming more involved with the Town Accountant. The Committee receives monthly reports from him and would like to continue this with new accountant and would also like to discuss ways to pay for the Town's new fire engine. Mr. Terranova spoke about the Town's Stabilization Fund and stated that the auditor thought the Town did not have enough funds in this account. The Committee is going to try to be on top of road and bridge issues and would like to communicate regularly with the Board to make sure everyone is on the same page. Mr. Sayers stated that the Police Department budget was cut back and street lights have been reduced to cut costs and the Committee needs to be aware of other departments, including the school. Mr. Terranova stated that the Committee is willing to meet with people to come up with good recommendations and would like to build good working relationships with all departments. Mr. Ericson cautioned on having too many stabilization accounts. Mr. Terranova stated that there is only one stabilization account and the auditor recommended that 10% (\$1,000,000) should be in that account. Mr. Goerlach believes it should be over \$1,000,000. Mr. Goerlach stated that there are two stabilization accounts. Mr. Sieloff confirmed that there are two accounts with a total of about \$650,000. One is for Town Hall and infrastructure and one is general. Mr. Goerlach asked about the new fire truck. Mr. Sieloff stated that he believes the Town did not receive the grant but will check with the Fire Chief to make certain. Mr. Goerlach stated that the Town should have goals to set money aside to pay for this. Mr. Sayers asked how the Finance Committee reviews and approves budgets. Mr. Terranova stated that they review the budget line by line with the departments and check it against the prior year and if discrepancies are found they ask for explanations before anything is approved.

### **Mount Greylock School Agreement Amendments – Capital Assessment Formula**

Mr. Sieloff gave the Board copies of the Regional Agreement for their review. Sheila Hebert attended the meeting on behalf of the Lanesborough Elementary School Committee to answer any questions the Board may have. Mr. Sieloff stated that he thought the Board should support this Agreement. Mr. Sieloff stated that both Towns (Lanesborough and Williamstown) have to adopt the same agreement by December 15<sup>th</sup>. Mr. Sayers stated that he cannot accept this agreement as it is currently written because the conditions are not good for Lanesborough and the only change he can accept is the bond. Mr. Sayers stated that he does not like the condition that a new town cannot join the district if it does not come in by January 1<sup>st</sup>. Mr. Sayers fears that if the new town would have to wait a year the district might possibly lose the town. Mr. Sieloff stated that the Commonwealth put that clause in because they would like it to run with a fiscal year. Mr. Sayers stated that it is not legally required and it should be taken out of the Agreement. Ms. Hebert stated that several lawyers for the School have reviewed the agreement. Mr. Sieloff stated that he gave the Board a copy of the Agreement so any concerns they may have can be addressed. Mr. Ericson would like to look at the school choice section more thoroughly and does not want to give up on the equity of the tax exempt Town properties. Mr. Sayers stated that the Board asked Carrie Greene to get together for discussions and she stated that there was no time but then brought the Agreement with many changes on it. Mr. Sieloff asked Ms. Hebert to see if School Counsel or members of the School Committee could attend the next meeting. Mr. Tinkham asked to be heard on issues he saw in the Agreement. Mr. Sieloff stated that Mr. Tinkham is looking for equalized valuation numbers for the past five years and Mr. Sieloff stated that he is going to obtain these numbers. Mr. Tinkham is also concerned because the Agreement does not specifically say how the Mount Greylock's budget is put together. Mr. Sieloff

stated that he believes it is something that is set by MGL but if it is not, it needs to be added to the Agreement. Mr. Sieloff stated that he would talk to Ms. Greene and bring it back at the next meeting. [#3]

#### Set Special Town Meeting for December 1, 2015 – Possible Warrant Articles

Mr. Sieloff asked the Board if they would approve possible Bylaw additions being added to the Agenda for the Special Town Meeting on December 1<sup>st</sup>. These proposed bylaws would include a chicken / rabbit bylaw; an alarm system bylaw (there is currently a bylaw for fire alarms but not for burglar alarms); and a soliciting and canvassing permit bylaw. Mr. Sayers asked is they could include a bylaw for open containers in public and public intoxication. Mr. Sieloff stated that he would check with the Chief and bring language back and next meeting because the Board will have to move quickly to get this accomplished before the meeting.

#### Quarterly review of Board's Open Projects List

Mr. Sieloff presented the Board with an updated Open Projects List for the review. The Board reviewed half of the list and made their suggestions. Mr. Sieloff will follow up on their requests and bring this back at another meeting. [#4]

#### Proposed Tree and Forest Committee Bylaws

Mr. Sieloff presented the Board with proposed Bylaws for the Tree and Forest Committee. Motion 15-158. Motion made by Robert Ericson to approve the Tree and Forest Committee Bylaws, seconded by Henry Sayers. Motion carried 3-0. [#5]

#### Police Station Furnace and Insulation Project

Mr. Ericson presented Mr. Sieloff and other members of the Board with comprehensive drawings of work he feels should be completed at the Police Station over the next several years. Mr. Sieloff stated that the furnace will be replaced at the Police Station on Thursday but other work remains. Mr. Goerlach stated that the Town should use caution on how much money to spend on this building.

#### Internet service providers and options

Mr. Sieloff presented the Board with a list of internet service providers and options that have been placed on the Town's website for informational purposes. Mr. Sieloff gave the Board a brief synopsis of WiredWest's progress and told the Board that a decision may need to be made within the next couple of months to determine which way the Board would like to proceed as far as internet services within the Town with WiredWest or Charter Communications. Mr. Sieloff stated that Verizon is phasing out DSL which will pose a problem as many residents have this service. WiredWest requires at 40% of residents sign up for services and a \$50 refundable deposit would need to be given. Mr. Sieloff stated that the deadline for the WiredWest proposal is June 30, 2016. Mr. Goerlach stated that he would like to see what residents think at the Special Town Meeting. Mr. Sayers asked what kind of money this would place on the Town's tax rate if money was borrowed for the WiredWest proposal. Mr. Sieloff stated he does not have an exact number but it would be approximately 50¢ or less. Mr. Sieloff will keep the Board apprised. [#6]

#### Proposed Public Health Office Assistant Job Description

Mr. Sieloff presented the Board with a proposed job description for the Public Health Office Assistant. Mr. Ericson would like to revise the document to state that a college degree is preferred. Motion 15-159. Motion made by John Goerlach to approve the Job Description for the Public Health Assistant with the change of college degree preferred, seconded by Henry Sayers. Motion carried 3-0. [#7]

#### Approval of small All Weather Loader for sidewalk snow removal

Mr. Sieloff presented the Board with a Memorandum dated October 26, 2015, from DPW Director William Decelles relative to the purchase of a skid steer/compact sidewalk machine with a snow blower attachment to be used to clear the Town sidewalks on Summer Street and Route 7. Mr. Sayers stated that he is apprehensive about purchasing the machine in case the DPW loses a worker as there will be no one to man the machine. Mr. Sieloff stated that machine can be used for more than just sidewalk snow removal. Mr. Sayers stated that the residents voted for it at Town meeting but things have changed financially for the Town. Motion 15-160. Motion made by

Robert Ericson to approve the purchase of a sidewalk snow removal machine for \$66,514.50, \$60,000 to be paid with Warrant Article approved at Town Meeting and the difference of \$6,514.50 to be paid from the Winter Roads account, seconded by Henry Sayers. Motion carried 3-0. [#8]

Other business which could not have been reasonably foreseen within 48 hours of the meeting.

None.

Selectmen's Items

Mr. Sayers stated that he was upset that the Lanesborough Elementary School Committee had a meeting which they held at 10 a.m. at Mount Greylock Regional High School to turn down the Adams and Cheshire proposal. Mr. Sayers did not think it was appropriate to have this meeting where the Board could not attend as it was early in the morning and at an out of district site and not at its usual place at the Elementary School. Mr. Goerlach asked if the Board would like to send a letter with their displeasure. The Board agreed. Mr. Sieloff stated he would send out the letter. Mr. Ericson presented the other members of the Board with drawings of the Town Hall and things that he believes should be done to improve the efficiency of the building.

Town Administrator Report

None.

Approve Minutes

Motion made by Henry Sayers to approve the Minutes of October 05, 2015, seconded by Robert Ericson. Motion carried 3-0. Motion made by Henry Sayers to approve the Executive Session Minutes of October 05, 2015, seconded by Robert Ericson. Motion carried 3-0.

Adjournment

Motion to adjourn meeting made by Henry Sayers, seconded by Robert Ericson. Motion carried 3-0. Meeting adjourned at 8:18 p.m.

Footnotes:

[#1] Citizen Interest Form – David Vogel

[#2] All Alcoholic Beverage License – Interstate Theatres Corporation d/b/a Berkshire Mall 10

[#3] Mount Greylock Regional High School Agreement

[#4] Quarterly Open Projects List

[#5] Proposed Tree and Forest Committee Bylaws

[#6] Internet Service Providers List

[#7] Proposed Public Health Office Assistant Job Description

[#8] Memorandum from DPW Director dated October 26, 2015